



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-eighth session

SUMMARY RECORD OF THE 1452nd MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 15 March 2001, at 10 a.m.

Chairman: Mr. SHERIFIS

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY
STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 6) (continued)

Eleventh periodic report of the Sudan (continued) (CERD/C/334/Add.2)

1. At the invitation of the Chairman, the members of the delegation of the Sudan took places at the Committee table.
2. The CHAIRMAN invited the Sudanese delegation to reply to the questions raised by the members of the Committee at the previous meeting.
3. Mr. IBRAHIM (Sudan) said that if the Committee, in accordance with article 9, paragraph 1 of the Convention, had requested further information from the State party after receiving its eleventh periodic report, the Sudanese Government would have sent it detailed responses in writing. At any rate, the Sudanese delegation would do its best to provide precise information.
4. Since the adoption of the new Constitution in 1998, there had been a rapid succession of political, economic and cultural developments. A Constitutional Court composed of nine prestigious members and with wide-ranging jurisdiction had been established. In particular, it interpreted constitutional and legal provisions at the request of the President of the Republic, the National Assembly, one half of all governors or one half of all members of Parliament. It ruled on complaints regarding protection of the freedoms or rights guaranteed by the Constitution and on conflicts of jurisdiction between federal and national bodies. One case concerning basic constitutional rights had been referred to it following a complaint filed by a group of women against a governor's decision to prohibit women from working in four categories of workplace viewed as dangerous and unhealthy for women, including service stations and bars in tourist areas. That measure, which had been taken in good faith, had unleashed a protest movement in the press and the general public, with women calling for recognition of their equal right to employment. The case had enhanced public awareness of the fundamental rights set forth in the Constitution.
5. The 1998 Political Associations (Organizations) Act, as amended in January 2000, laid down the rights of persons wishing to establish such organizations. The 17 political organizations currently on the register could, *inter alia*, hold meetings and publish their own newspapers. With regard to elections, the Public Elections Act had provided for the establishment of an independent Elections Board to supervise elections, a body that had fulfilled its mandate in exemplary fashion during the presidential and parliamentary elections of December 2000. The 1998 Local Authorities Act provided for the reorganization of the system of local government. The federal State was made up of 26 states, each with its own government and assembly, a situation that entailed organizational problems, particularly in respect of the recruitment and payment of civil servants. A 1998 Act had established the office of ombudsman, an institution to which persons who felt they were victims of unfair treatment or an illegal act on

the part of the administration could apply for redress. The Ombudsman's Office had already received complaints and the Sudanese Government would provide details of the cases dealt with in its next report.

6. The 1999 Press and Publications Act regulated the practice of the profession of journalist and had led to the establishment of an independent national Press and Publications Board, which ensured that the right to freedom of expression was respected and supervised the work of journalists. Seven members of the Board were selected by the President of the Republic, nine by the Association of Journalists and five by Parliament. There were currently 21 daily newspapers, only one of which was controlled by the Government. The press in the Sudan was just as free as in the other countries of the region and in many developed countries.

7. A new National Security Act had been adopted in 1999. On arrest, the maximum period of police custody was three days. Thereafter, it was for the judge to decide whether or not to extend the period of detention. Parliament and the press closely monitored compliance with the National Security Act and the powers of the security forces were kept under strict surveillance. Recently, for example, 10 law enforcement officers had been convicted of abuse of authority and three of them for murder. The three police officers convicted of murder had been sentenced to death. The sentence had been commuted in one case because the family had paid the sum demanded (the "blood price") and the other two officers had been executed.

8. The Advisory Council for Human Rights had 25 members representing all bodies involved in the protection of human rights (security agencies, bar associations, magistrates, human rights defence associations and religious communities). It was chaired by the Minister of Justice for reasons of credibility and financing, but was still independent and impartial in its activities. It made recommendations, some of which had already been implemented by the Government.

9. In response to a Committee member who had asked whether it might not be a good idea to combine the legal instruments dealing with personal status, he said it would be unwise because each religious community applied its own rules in that area. Conversion to a religion other than Islam did not constitute a crime. The offence characterized by the law was not conversion but its manifestation if it undermined public safety. Lastly, with regard to the question of self-determination, he referred the members of the Committee to article 3 of the 1996 Political Charter, which recognized the right of the population of the South to hold a referendum on their political future. Articles 6, 8 and 10 of the 1997 Peace Agreement also provided for the exercise of the right of self-determination by the population of southern Sudan. Moreover, political parties that advocated racial discrimination were prohibited and no political organization was based on a distinction related to sex, colour or religion.

10. Mr. SIDDIG (Sudan) said that the situation regarding the abduction of women and children was not as described by certain non-governmental organizations (NGOs), which were not objective and whose information was not creditworthy. For instance, Christian Solidarity International had slandered the Sudanese Government before the Commission on Human Rights at its fifty-fifth session, and the Economic and Social Council had for that reason adopted a recommendation by the Committee on Non-Governmental Organizations in October 1999 withdrawing its consultative status with the Council. The issue of the abduction of women and

children should in any case be considered in the light of local circumstances. Moreover, many human rights activists and specialists in the Sudan had cast doubt on the veracity of allegations that the Sudanese Government supported or tolerated slavery or slavery-like practices. Some authors of reports, including, for example, the Harker report published following a fact-finding mission requested by the Canadian Government, had actually concluded that the "ransoming of slaves" by certain organizations constituted a covert form of support for the Sudan Peoples Liberation Army. The phenomenon of abduction had to be placed in a historical context. It was a phenomenon of ancient origin, a characteristic of the armed conflicts that had long been waged between tribes living in the south and west of the country. But the Government was trying to end such tribal practices, which were encouraged by the rebel movements. Moreover, the emergence of militias was a spontaneous phenomenon. Some tribes which had found themselves in the middle of the armed conflict had decided to obtain weapons, even by unlawful means, to protect themselves.

11. The war in the south of the country should also be placed in its historical context. It should be noted that the difficult situation in the country could be traced to the division of territory conceived during the colonial period, when the British Government wanted to annex southern Sudan to its colonies in East Africa. Such foreign schemes had contributed to the growth of antagonism between the north and south of the country. Despite that antagonism, the Sudan had experienced a period of stability between 1972 and 1983, but the Dinka tribe had then been all-powerful in the south of the country, a fact that had led to discontent among the other tribes in the region. When attempts had been made to restore balance, the Dinka had rebelled. The Sudanese Government was quite willing to make peace with the various rebel factions and had made numerous concessions to that end. Seven of the factions had signed an agreement with the Government but the Sudan Peoples Liberation Army had to date refused to do so. Lastly, with regard to the distribution of supplies and humanitarian assistance, the Sudanese Government had called for a "humanitarian" ceasefire, but the rebels had refused to act on the appeal.

12. Mr. LEONARDO (Sudan) said that the sources of allegations that people living in oil-producing areas in the south of the country had been displaced took no account of certain particularly important circumstances, particularly the civil war in the region, the fact that the civil war had intensified in the south and east of the country, including in certain oil-producing areas, and the worsening of the situation when the Sudan Peoples Liberation Army had declared certain oil-producing areas legitimate targets. Under those circumstances, civilians had had no choice but to flee the region.

13. Mr. ABDALLA (Sudan) added that most displaced persons had opted to head for the north of the country because they hoped to find better living conditions there. As a result, there were some 3.6 million displaced persons in northern Sudan whose basic needs were largely being met. The persons concerned were also free to return home as soon as the situation improved. In the same context, 360,000 displaced persons in the Nuba Mountains had been resettled in villages with basic infrastructure where peace had been restored. With regard to the participation of minorities in the national Government, six of the country's 29 federal ministers and one of the two Vice-Presidents came from the south. Moreover, the Government had

introduced a recovery programme for the south of the country, to which over US\$ 10 million of revenue from oil production had been appropriated. In the 2001 financial year, US\$ 65 million of oil revenue would be appropriated to the programme.

14. Mr. ABDUL RAHMAN (Sudan) said that the Government gave high priority to rebuilding the many schools that had been destroyed by the rebellion in the south of the country. US\$ 2 million had already been earmarked for the purpose in the recovery programme and a further US\$ 6 million in the 2001 budget. Furthermore, students from the south of the country were quite free to study in the north, also in their own language.

15. Ms. JANUARY-BARDILL (Country Rapporteur) welcomed the answers given by the Sudanese delegation to the numerous questions put by Committee members. The Committee recognized that the Sudanese Government had to contend with many challenges if it were to resolve the social and economic problems impeding the country's development. It commended the Government's endeavours to classify racial discrimination as an offence under Sudanese criminal law and to embody the principle of non-discrimination in the national Constitution. It was, however, concerned by the ongoing war and political disputes which were undermining the efforts being made and which had led to huge losses of human life in both the north and south of the country. In that respect, it urged the Sudan to compile population statistics broken down by race, sex, ethnic origin and religion, so as to permit an assessment of the favourable impact of the measures adopted and the adverse impact of the war on the various social and religious groups. She further recommended that the State party ensure that the different Sudanese ethnic groups were represented in government bodies and the private sector. Steps should also be taken to end population displacement and the kidnapping of women and children. Decisive action was needed to protect all refugees irrespective of origin. Furthermore, the Sudanese Government could use the country's oil resources to halt famine and improve the population's living conditions. Lastly, she acknowledged that it was hard to act against the militias, especially in the south of the country, but emphasized that until the populations had exercised their right to self-determination and had freely chosen their future, it would be incumbent on the Government to guarantee the safety of people living in the national territory.

16. Mr. IBRAHIM (Sudan) said that he was satisfied with the dialogue with the Committee on matters of extreme importance for his country. The Sudanese Government and people were determined to comply with the provisions of the Convention and he hoped that they could count on the Committee's help in that field. In that connection, since a lack of funds had meant that only three people had been able to represent Sudan before the Committee, he wondered if the Committee could not give financial assistance to countries which, like the Sudan, could not afford to send large delegations to Geneva. Another possible solution for the Committee's consideration, especially when it was reviewing the situation in less developed countries, would be the holding of teleconferences in those countries. That would enable them to muster, at little cost, a sufficient number of experts to reply to the Committee's questions. He asked the Committee to tell him which countries most faithfully honoured the obligations laid down in the Convention and about the best practices for stamping out racial discrimination.

17. The CHAIRMAN stated that he would like to accede to the Sudanese delegation's request for financial assistance but that, unfortunately, it was impossible to do so. On the other hand, he agreed that it would be useful to inform States parties of the best practices for

eliminating racial discrimination, given that no country fully respected all the provisions of the Convention. He asked the Sudanese delegation whether the country had approved the proposed amendment to article 8, paragraph 6 of the Convention, concerning the defraying of Committee members' expenses while they were performing Committee duties.

18. Mr. YUTZIS considered the suggestion of the representative of the Sudan about the holding of teleconferences to be most helpful. He had personally gone to Croatia, at that country's invitation, and then to Guatemala, to initiate a dialogue with those two States parties, and the procedure thus introduced could be employed for States which could not afford to send a delegation to a Committee meeting. For that reason, the Committee might well consider sending one of its members to the Sudan so as to reinforce the dialogue between the State party and the Committee members.

19. The CHAIRMAN thanked the Sudanese delegation and announced that the Committee had completed its consideration of the eleventh periodic report of the Sudan.

20. The delegation of the Sudan withdrew.

Senegal

21. The CHAIRMAN said he was pleased to announce that the Committee secretariat had that very morning received the periodic report of Senegal, which should be available very soon in the various working languages. The report had been submitted very late, and during the current session the Committee had been due to examine the situation in Senegal under the review procedure. He therefore proposed that consideration of the situation under that procedure be cancelled and that the Committee take up Senegal's periodic report at its fifty-ninth session.

22. It was so decided.

Côte d'Ivoire

23. Mr. FALL (Country Rapporteur) proposed that the Committee examine the situation in that country under agenda item 5 ("Prevention of racial discrimination, including early warning measures and urgent action procedures"), rather than deferring consideration thereof because the country had not yet submitted a periodic report. Other United Nations organs were interested in Côte d'Ivoire from the human rights angle and a United Nations fact-finding mission was in the country at that moment. That very morning, he had had a discussion with a member of the Permanent Mission of the Côte d'Ivoire to the United Nations Office at Geneva, from which it did not seem that the Côte d'Ivoire intended to take part in the Committee's deliberations of 20 March 2001 on the situation in that country.

24. Mr. YUTZIS thought that if the Committee did decide to discuss that matter under the agenda item relating to the prevention of racial discrimination and urgent action procedures, it would not be because other United Nations organs were interested in events in that country, but because the circumstances required it. The Committee had to base its decisions in that sphere on its own judgement and did not have to justify them to other United Nations organs.

25. Mr. DIACONU said that he had some doubts about the issue and was not sure that what was happening in Côte d'Ivoire was connected with problems of racial or ethnic discrimination calling for urgent action. At all events, there was no question of definitively including consideration of the situation in that State party under agenda item 5. The Committee should merely look at the situation in the light of recent information received.

26. Mr. FALL explained that his proposal did not rest on any view that other United Nations organs might hold of the situation, but was a response to a very worrying state of affairs directly linked to respect for the Convention, since during the previous two years the country had fallen into a spiral of violence which was in danger of plunging it into a civil war. Furthermore, as Mr. Diaconu had underlined, even if the Committee decided that day to include consideration of the situation in that country under agenda item 5, it did not always have to examine it under that heading.

27. Mr. de GOUTTES said that the alarming turn of events in Côte d'Ivoire completely justified their investigation under the urgent action procedure. The Committee's interest in the item seemed to be waning as the years went by and other situations, as well as that in Côte d'Ivoire, also deserved consideration within that framework.

28. Mr. ABOUL-NASR stressed that since conditions in Côte d'Ivoire had been very worrying for a long time, it would be difficult to call any steps taken "early warning" measures. That being so, he was in favour of consideration under the urgent action procedure. Moreover, he thought that it was important to inform the Côte d'Ivoire mission forthwith of the date set for the Committee's examination of the situation in that country.

29. Mr. YUTZIS deeply regretted that it was really almost too late to adopt preventive measures as a conflict had already broken out in Côte d'Ivoire. It was essential that the Committee do all it could to intervene promptly in such circumstances, for any prevarication would be paid for in human lives. To that end, the Committee should define more precisely the criteria for tackling the issues of prevention.

30. Mr. FALL said that it had emerged from an informal meeting with an official of the Ivorian Mission, which knew about the Committee's decision to review the situation in Côte d'Ivoire at the current session, that the Ivorian delegation, which would be attending the fifty-seventh session of the Commission on Human Rights due to commence on 19 March 2001, did not intend to be present when the Committee considered the question.

31. The CHAIRMAN took it that the Committee members accepted Mr. Fall's proposal concerning consideration of the situation in Côte d'Ivoire under the procedure for prevention, early warning and urgent measures, at a meeting during the third week of the session.

32. It was so decided.



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Fifty-eighth session

SUMMARY RECORD OF THE 1453rd MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 15 March 2001, at 3 p.m.

Chairman: Mr. SHERIFIS

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CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY
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Initial report of Georgia

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GE.01-41022 (E)

The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 6) (continued)

Initial report of Georgia (CERD/C/369/Add.1; HRI/CORE/1/Add.90/Rev.1)

1. At the invitation of the Chairman, Ms. Beridze, Mr. Kavadze, Mr. Kavsadze and Mr. Nalbandov (Georgia) took places at the Committee table.
2. Ms. BERIDZE (Georgia) said that the report had been prepared by the Office for the Protection of Human Rights of the National Security Council (NSC), which was responsible for all such reports. She had herself been appointed to the new post of Deputy Secretary of the NSC, the establishment of which attested to the importance Georgia assigned to the human rights dimension of national security.
3. Quoting the relevant provisions of the Georgian Constitution, she said that it was, on the whole, compatible with the provisions of the Convention. Despite the apparent ambiguity in article 38, which stipulated that the exercise of minority rights must not jeopardize Georgia's sovereignty, State order, territorial integrity or political independence, the rights of non-citizens were amply protected by article 47. One exception permitted by the Constitution to the equality of rights and duties of foreign or stateless persons living in Georgia was contained in article 27 and imposed restrictions on their political activity. Citizens and foreigners alike enjoyed all basic human rights, although some special rights were conferred on citizens alone, namely the right to free election, prohibition of expulsion and extradition of nationals, the right of expression concerning access to the information maintained in government bodies, and the protection of labour rights abroad. Abkhazia and South Ossetia being, de facto, outside Georgian jurisdiction, it was difficult for the authorities to assess the level of enjoyment of human rights in those areas, particularly with regard to discrimination.
4. Under the Constitution, international treaties took precedence over domestic law and formed an integral part of Georgia's legislation, in accordance with the Regulations Act and the International Treaties Act, and were similarly applied. Georgia had acceded to all the major international human rights instruments, as stated in paragraph 31 of the report. Having signed the European Convention for the Protection of Human Rights and Fundamental Freedoms, Georgia had recognized the jurisdiction of the European Court of Human Rights. The authorities considered that the country's signing of Protocol No. 12 to the above-mentioned Convention was further proof of its adherence to the principles enshrined in the International Convention. On 16 February 2001 the Georgian Parliament had ratified the European Convention on Extradition, article 3, paragraph 2, of which provided that extradition should not be granted in the face of evidence that the person concerned would be censured, punished or prosecuted for reasons relating to race, religion, nationality or political opinion. Georgia was awaiting ratification by Parliament of the European Framework Convention on the Protection of National Minorities, following which the much debated bill on the protection of national minorities was expected to pass into law by April 2001.

5. She described the functions of the Committee on Civil Integration and the Department for Inter-Ethnic Relations in the Office of the President and of its Presidential Assistant, as set out in paragraphs 47 to 49 of the report. Regarding activities to eliminate gender discrimination (paras. 23 to 26), the National Plan of Action for the Advancement of Women had been extended to 2002, and the pertinent executive bodies were required to submit annual reports on their activities. A key executor of the National Programme to Combat Violence against Women was the Ministry of Internal Affairs (MIA), which was why the focus had initially been on the training of law enforcement officials in gender awareness and issues related to violence against women. As Deputy Secretary of the NSC, she had been involved in the preparation of the training project, in conjunction with a non-governmental organization (NGO), "Former political prisoners for human rights". Information and education seminars had been held at 22 police stations and 18 more were planned for 2001. Special training courses were also organized for local police officers, and gender and violence issues were to be included in the MIA Academy curriculum in 2002. The MIA had hired hundreds of policewomen so as to facilitate contacts with female victims of violence. Of the 4,000 domestic conflicts on record, some 1,200 had been resolved, and further aggravation of the situation avoided. The perpetrators of all rape cases registered from January to November 2000 - which had increased by 40 per cent compared with the same period in 1999 - had been apprehended and prosecuted.

6. In response to General Recommendations No. 11 and No. 19 of the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW), a National Plan of Action had been adopted. The allocation of US\$ 30,000 from the State budget, despite the country's financial constraints, to the UNDP-sponsored "Women in Development" programme referred to in the report (para. 24) vouched for Georgia's interest in women's issues. Not only did Georgian legislation contain no provisions discriminatory to women, but the Code of Labour Laws stipulated affirmative action in favour of women's working conditions. That action was not without its problems, which had been enumerated in the report (para. 25).

7. Turning to discrimination based on religion, she referred the Committee to paragraphs 159 to 163 of the report. While freedom of religion was protected by the Constitution, the fact that the law on religion had not yet been enacted had recently sparked litigation relating to the activities of the Union of Jehovah's Witnesses and the representation of the Pennsylvania-based Watch Tower Bible and Tract Society. President Shevardnadze had issued an unequivocal condemnation of an incident in which the followers of a defrocked priest had attacked worshippers at a meeting of Jehovah's Witnesses in October 1999, declaring that once religious confrontation among individuals and groups became irreconcilable, it would inevitably assume a political dimension. He had called for the punishment of the perpetrators, and criminal proceedings had been initiated. In February 2001 a joint declaration had been adopted by the Georgian Orthodox Church and 24 Georgian human rights NGOs, condemning religiously motivated fanaticism, violence and intolerance, and violations of human rights protected by the Constitution and international law.

8. She referred the Committee to paragraphs 111 to 115 and 128 to 137 of the initial report, in which the implications of the Legal Status of Aliens Act and the Citizenship Act respectively were set forth. Both those Acts conformed to the provisions of the Convention, including the "or other status" clause, by which birth, while not specifically mentioned, was manifestly covered.

9. Other laws containing non-discriminatory provisions, as explained in the report, were the Ordinary Courts Act, which ensured that justice was administered on the basis of equality (para. 290); the Code of Administrative Procedure, which prohibited interference with the enjoyment of the lawful rights, freedoms and interests of any party to administrative proceedings and stipulated identical treatment for litigants whose circumstances were identical; and the 1997 Code of Civil Procedure which bestowed judicial protection of rights on all persons, with civil cases heard in courts on the basis of equality (para. 67).

10. She drew attention to the provision of article 9 of the Code of Criminal Procedure referred to in paragraph 68 of the report and pointed out that the Civil Code prohibited both preferential and discriminatory treatment in marriage and family relations (art. 1153). She also drew attention to the provisions of the Criminal Code prohibiting racial, religious, national and ethnic discrimination and intolerance (report, paras. 17-18). It should be noted that the provision of the older Criminal Code (art. 75) making it an offence to incite racial hatred had been deleted from the new Criminal Code; in the opinion of the Georgian delegation, it should be reinstated. The Constitutional Court had never considered any claims relating to articles 14, 38 and 47 of the Constitution.

11. She was convinced that the consideration of Georgia's initial report and the Committee's conclusions and recommendations would contribute to the further implementation of the Convention's principles in her Government's policy and practice, and she drew attention to the recent statistical information appended to her statement.

12. Mr. FALL (Country Rapporteur), welcoming the Georgian delegation, hoped that its presence would be the start of regular contacts between Georgia and the Committee. He briefly reviewed the country's recent history, noting that the status of Abkhazia and the Tskhinvali region had yet to be defined, that some 94 different ethnic groups or nationalities lived in Georgia and that several religions were practised, the most important of which, the Georgian Orthodox Autocephalous Church, enjoyed a special status under the Constitution. Since gaining independence Georgia had had to contend with ethnic and political strife in Abkhazia and in South Ossetia, which had resulted in many casualties and the flight of millions of persons.

13. Turning to the initial report (CERD/C/369/Add.1), he noted that Georgia had acceded to the Convention in July 1999 and had also ratified the other main international human rights instruments. The initial report had been produced in keeping with the Committee's guidelines. It contained a wealth of information on measures taken to implement the Convention. Paragraphs 28 and 29 explained that the Convention took precedence over domestic law and could be directly invoked in court. Although the Constitution took account of the provisions of article 2 of the Convention, the report did not contain sufficient information on all measures taken by the State party to ensure the instrument's effective implementation.

14. Addressing the rights of minorities, the report stated (para. 43) that the Constitution contained provisions to ensure the development and protection of minorities and guarantee their full and equal enjoyment of human rights and fundamental freedoms. But the failure to pass the law on national minorities in 1994 gave cause for concern. Could the Georgian delegation explain what had interfered with its passage? The report indicated that the Ajaria Autonomous Republic was a component part of Georgia. He requested information on the ethnic make-up of

the population of that Republic and on the situation of its population. He would also like to know more about the Meskhets (para. 29), members of a minority group displaced from southern Georgia. Had Georgia been able to obtain their repatriation?

15. Turning to implementation of article 3 of the Convention, he noted that no reference was made to condemnation of the crime of apartheid. Article 4 of the Convention was not fully complied with either, because Georgian legislation failed to make racist acts and manifestations an offence and to condemn the dissemination of racist propaganda and racist organizations. He regretted the absence of information on case law on the subject.

16. He observed that Georgian nationality was acquired by birth (para. 128). Was nationality based on jus soli, jus sanguinis or a combination of the two? He was surprised to read that a Georgian who resided abroad permanently and failed to register with the Georgian consulate for two years without good cause would lose his or her nationality (para. 136); that seemed rather excessive.

17. Turning to the question of refugees, he said that the United Nations had on several occasions referred to the Abkhaz authorities' obstruction of the voluntary return of refugees, and the Security Council had made a number of recommendations for facilitating the free movement of refugees and displaced persons. Amnesty International had asked the Abkhaz authorities to take the necessary measures to ensure the safe return of such persons. The periodic report said that the Government did not have full control over certain parts of the country. Could the Georgian delegation provide more information on what was happening in those areas and how Georgia sought to exercise its sovereignty there?

18. The Committee had received reports of violations of freedom of worship, notably involving cases of harassment and violence directed against certain denominations, in particular Jehovah's Witnesses. One political party had even asked the Government to revoke the right to worship of the Jehovah's Witnesses. Could more information be provided on the role of the Orthodox Church? Was it a state religion?

19. He welcomed the establishment of various institutions to monitor respect for human rights. Could the Georgian delegation provide details on how the Committee on Civil Integration (para. 47) promoted the integration of minorities, as well as further details on the work of the Committee for the Protection of Human Rights and Ethnic Relations, the Public Defender (Ombudsman) and the local human rights commissions, and what results they had produced? He encouraged Georgia to pursue the teaching of human rights in educational and training centres.

20. The Committee encouraged Georgia to consider making the declaration on individual communications under article 14 and approving the amendments to article 8, paragraph 6, of the Convention.

21. Mr. VALENCIA RODRIGUEZ said that the Committee was pleased that Georgian legislation specifically prohibited racial discrimination and ensured the rights and freedoms of

foreign residents. It noted with interest that international conventions, which were self-executing, took precedence over domestic law. Could the Georgian delegation confirm that the Convention could be directly invoked in court?

22. Paragraph 43 had referred to special measures to promote the social and economic development of highland regions. What ethnic groups lived there? What was their economic situation? What programmes were being carried out to improve their standard of living? Paragraph 55 referred to the policy of "ethnic cleansing" practised in the Abkhaz region. That situation deserved special consideration, even if the region was de facto outside Georgia's control. Could further information on the situation be provided?

23. He observed that no specific legislation had been adopted in compliance with the obligations under article 4 of the Convention. Only general references were made to the provisions of the Criminal Code. He noted that article 5, paragraph 2, of the Civil Code prohibited the activities of parties that fomented the dissemination of racist ideas and discrimination. Had those provisions in the Civil and Criminal Codes been applied in the context of racial discrimination? Had the acts referred to in paragraphs 61 to 63 been punished? The Committee would like to receive information on any other cases that might have arisen.

24. Implementation of article 5 of the Convention had been comprehensively covered, but he wondered to what extent minority groups, in particular, were affected by the cost of court proceedings (para. 70). Noting that ethnic minority representatives entered Parliament via party lists (para. 89), he recommended increasing minority presence in such lists, especially since minority participation in recent elections had been very high (para. 97). Because a poor command of Georgian could be an obstacle to participation in local government, members of minority groups needed to be given instruction in Georgian and informed about the legislation on language. The Committee would like more details of the Language Act (para. 104). Paragraph 107 referred to the registration of Georgian citizens and resident aliens. He assumed that no ethnic or racial information was gathered that might lead to exclusion or discrimination. Had the Press and Mass Media Act (para. 170) or the Assemblies and Demonstrations Act (para. 179) ever been applied to restrict the dissemination of racist ideas?

25. Did the statement in paragraph 189 that there were no legislative obstacles to the exercise of the right to join a non-political association on racial grounds mean that no political association could be created on that basis? The Committee would appreciate hearing about the results of the poverty reduction programme conducted in conjunction with the World Bank and the International Monetary Fund (para. 250).

26. With regard to implementation of article 6 of the Convention, he sought additional information on paragraphs 297 *et. seq.* It appeared that, once an act of racial discrimination was committed, there were two legal avenues for the victim: civil proceedings and criminal proceedings. Was it necessary first to obtain a decision in criminal proceedings before applying for compensation in civil proceedings? Paragraph 305 referred to the right to seek redress from other institutions. Which institutions were they, what was their competence and what form of redress could they provide?

27. On implementation of article 7 of the Convention, the Committee welcomed the measures and programmes adopted. It was hoped that, in Georgia's campaign to disseminate information on international human rights instruments, particular emphasis would be given to the Convention.

28. Mr. RECHETOV said he wished the Georgian people every success in the reconstruction of its economy. The report stated that in cases of conflict between the Constitution and international conventions, the Constitution took precedence (paras. 28-30). That was unusual: most countries decided either to amend the Constitution as required or not to ratify a convention. As it stood in the report, if a country were to accede to an international human rights treaty and that treaty were in conflict with the Constitution, it would mean that that country would not implement that part of the instrument.

29. He asked whether Georgia had acceded to the conventions of the International Labour Organization and what the Georgian Government's position was on those conventions, which protected the rights of millions of working people.

30. Mr. de GOUTTES commended the Georgian Government's prompt submission of its initial report and was encouraged to see the objectives and spirit of the Convention reflected in the report. He was particularly pleased that Georgia recognized the cultural rights of minorities, that there had been no manifestations of anti-Semitism (para. 22), that religious tolerance was guaranteed, despite a number of incidents, and that there were some 100 NGOs present in the country.

31. He had noted, like Mr. Rechetov, that international treaties took precedence over domestic law but ranked lower than the Constitution; and that treaties were self-executing unless special measures were required for their enforcement. He took it that the Convention fell into the latter category because its provisions were non-self-executing; hence the importance of legislation to give force, in particular, to article 4. The Criminal Code seemed to make ample provision for the punishment of racial discrimination and he noted that racist motivation constituted an aggravating circumstance in many instances. It was unclear, however, whether racial defamation and insults were offences in their own right and whether the dissemination of ideas based on racial superiority or hatred was covered by domestic legislation.

32. He would welcome additional information about the role of the recently established Committee on Civil Integration (para. 47) and the results of its activities to date. Paragraph 61 attributed the fact that the articles of the Criminal Code dealing with racially motivated crimes were rarely applied to the tradition of tolerance in Georgian society and mentioned only one case of prosecution. He hoped that the next report would contain more detailed information about any complaints of racial or ethnic discrimination filed with the courts or other authorities.

33. According to Amnesty International's 2000 report on Georgia, members of the Georgian community living in Abkhazia had complained of arbitrary detention, ill-treatment and even theft by the Abkhaz forces. Some 200,000 persons fleeing from the conflict had allegedly been prevented from leaving Abkhazia. Although the Georgian authorities reportedly exercised no control over the disputed regions of Abkhazia and South Ossetia, he would be grateful for any information the delegation could provide on the current situation.

34. He inquired about training courses in human rights and inter-ethnic understanding for law enforcement personnel, including prison and border guards, and the judiciary. Lastly, he urged Georgia, which had already subscribed to the individual petitions procedure under the European Convention on Human Rights, to make the declaration under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination since the areas covered by the two Conventions were not the same.

35. Mr. THORNBERRY welcomed the statement in article 38 of the Georgian Constitution that equality and non-discrimination were universally recognized principles. Referring to paragraph 11 of the report which stated that interpreters were provided in legal proceedings for persons who were not fluent in the official language of Georgia, he asked whether such persons could present petitions to the central or local authorities in a minority language and, if not, who would bear the cost of translation. Referring to paragraph 89, he asked what consideration the Government had given to ways of improving minority representation in Parliament.

36. The Advertising Act prohibited discriminatory advertisements and article 153 of the Criminal Code covered the offence of hate speech but he wondered whether the legislation included a more general prohibition of racist speech as such.

37. With regard to education for aliens, he wished to know which treaties and agreements were being referred to in paragraph 258. In the case of Georgian nationals whose first language was not Georgian, how did the authorities organize the transition from mother-tongue education to education in the Georgian language? Did the State support the Russian, Azerbaijani and Armenian schools referred to in paragraph 266? Lastly, he took it that the reference to the national cultural heritage in paragraph 272 covered the heritage of all ethnic groups in Georgia.

38. Mr. DIACONU, welcoming Georgia's prompt submission of its initial report, said it was unfortunate that the Convention was not being applied to the whole of Georgian territory because the Government could not be held responsible for its implementation in Abkhazia and South Ossetia and was unable to protect Georgian citizens living there. Paragraph 55 of the report, for example, referred to "ethnic cleansing" in the Abkhaz region. He suggested that the Committee might appeal to the international community for assistance in dealing with the implementation of the Convention in those areas.

39. Georgian legislation contained a number of provisions dealing with equality, non-discrimination and use of a person's mother tongue, but failed to cover all aspects of article 4 of the Convention. Article 142 of the Criminal Code referred rather to article 5 of the Convention. It prohibited infringements of equal rights on grounds of race, skin colour and other characteristics as a consequence of which human rights were "substantially violated". If the violation was not substantial, were such infringements exempt from punishment? Racial, religious, national or ethnic intolerance was an aggravating circumstance in the case of diverse violent crimes but that provision, however commendable, did not fully cover article 4. No punishment was prescribed for the dissemination of ideas based on racial superiority or for incitement to racial discrimination. He trusted that article 75 of the old Criminal Code, which prohibited incitement to national, ethnic and other forms of strife, had been incorporated in the amended Code. According to paragraph 40 of the report, article 5 of the Civil Code prohibited political parties whose purpose was to foment ethnic, local, religious or social strife. Again, that

was a commendable provision but it failed to cover promotion of and incitement to racial discrimination, for example against an individual. A number of new institutions for the defence of human rights were described in paragraphs 47 and 49 of the report. Georgia's next report should contain an assessment of their achievements in terms of the defence of human rights and the prevention of racial discrimination.

40. According to the report, minorities participated in elections and were represented in Parliament and in local bodies. He would welcome information about political parties, for instance the procedures for forming a party and whether any parties were based on a particular ethnic group. He noted that Georgia did not accept dual citizenship. Had the authorities considered the situation of Georgians living abroad who had become citizens of another country but wished to retain their Georgian citizenship? Noting the existence of educational facilities in the languages spoken by different population groups and the measures to ensure equality of Georgian citizens in cultural life, he said that such efforts to build a society based on mutual tolerance and understanding augured well for the future of a young country.

41. Mr. PILLAI complimented Georgia on its comprehensive report and its open and frank review of the existing situation. He would appreciate an assessment of the extent of internal displacement resulting from the troubles in Abkhazia and South Ossetia and its impact on the overall situation of ethnic groups.

42. Ms. JANUARY-BARDILL, thanking the Government of Georgia for a well-structured report, asked whether there were any Roma in Georgia and, if so, what status they enjoyed and to what extent their social and cultural rights were protected.

43. Mr. TANG Chengyuan, commending Georgia on the high quality of its initial report, said that, according to the report, article 8 of the Citizenship Act guaranteed aliens and stateless persons the rights and freedoms provided by the norms of international law and the laws of Georgia. Noting that Georgia was a party to the 1961 Convention relating to the Status of Stateless Persons, he inquired about the citizenship rights of such persons, in particular the status of children born to stateless persons in Georgia.

44. Mr. YUTZIS said that the Committee's mandate covered freedom of thought, conscience and religion when a particular minority might be affected by restrictions on such freedoms. According to paragraph 159 of the report, the Georgian Constitution recognized the special role of the Georgian Orthodox Church while at the same time proclaiming freedom of religion and belief and the separation of Church and State. He asked whether, notwithstanding the constitutional separation, the State granted special financial or other benefits to the Orthodox Church such as subsidies for opening new places of worship or the payment of priests' and bishops' salaries, which might constitute indirect discrimination if other religions were deprived of such advantages.

The meeting rose at 5 p.m.



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of all Forms of
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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-eighth session

SUMMARY RECORD OF THE 1454th MEETING

Held at the Palais Wilson, Geneva,
on Friday, 16 March 2001, at 10 a.m.

Chairman: Mr. SHERIFIS

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SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 9, PARAGRAPH 1,
OF THE CONVENTION

Proposal on reporting procedure (continued)

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GE.01-41029 (E) 020501 140601

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 6) (continued)

Initial report of Georgia (continued) (CERD/C/369/Add.1)

1. At the invitation of the Chairman, the members of the delegation of Georgia resumed their places at the Committee table.
2. The CHAIRMAN invited the delegation of Georgia to respond to the questions asked by Committee members at the preceding meeting.
3. Ms. BERIDZE (Georgia) stressed that the region of Ajaria was an integral part of Georgia. Its population, for the most part Georgian, spoke Georgian; a majority were Muslim as a result of the long period of Ottoman domination. In March 2000, parliament had granted the region the status of an autonomous republic. With regard to the Tskhinvali region, she said that discussions involving the Organization for Security and Cooperation in Europe (OSCE) were under way. The situation regarding Abkhazia was somewhat more complicated; the international community had always supported the principle of respect for the territorial integrity and sovereignty of Georgia and held that attempts by Abkhaz separatists to justify their cause by organizing a referendum were unacceptable. Her Government was currently involved in negotiations to resolve that issue and she said that the Russian Federation might have an important role to play in that regard. Her Government was proposing that Abkhazia, which was currently an autonomous republic, should be given a federative status through an appropriate institutional framework rather than an international agreement. The Abkhaz separatists, however, rejected that proposal and were insisting on full sovereignty.
4. With regard to deportees, she recalled that in accordance with Soviet policy in the 1940s, entire populations, including many Georgians, had been deported, in particular to Siberia. Her Government had decided to create a juridical framework for their repatriation and for them to be granted citizenship, and a governmental commission had been created for that purpose. The commission's structure and mandate were based on a draft law prepared by a non-governmental organization, which would be examined with the assistance of experts from the Council of Europe and then adopted by parliament, probably in April 2001. The process would be wide-ranging and would allow for the return of hundreds of thousands of individuals and require an especially large financial effort on the part of the Government.
5. She acknowledged that there had been violations of the rights of religious associations and said that measures would be taken to prevent such deplorable practices. She pointed out that the Orthodox religion was not the State religion of Georgia; the Constitution simply mentioned the special role of that religion in the country. The Orthodox Church received no subsidies for the construction of places of worship or for the salaries of its employees; although it had enjoyed some tax benefits in 1995 and 1996, that was no longer the case. A debate was under way within Georgian society as a result of statements made by the patriarch of the Orthodox Church, who had called for a constitutional agreement between Church and State which would rank below the

Constitution but before international instruments in the domestic juridical order. Public opinion was very divided on that issue and an agreement would in any case require significant amendments to the Constitution.

6. Approximately 5.7 per cent of the population were ethnic Azerbaijanis, most of whom lived in their own communities in specific regions. They had major political responsibilities in those regions, where they were full fledged citizens but only had four representatives in parliament, because it was currently necessary to speak Georgian in order to be a deputy, whereas until very recently it had been sufficient to know Russian, a language of which most Azerbaijanis had an excellent command.

7. In response to questions relating to the situation of populations living in the mountainous regions, she said that various programmes were being implemented to promote education, crafts and small businesses, in particular, in those isolated regions.

8. In response to Mr. Valencia Rodriguez, she confirmed that some 30,000 persons - 90 per cent of them Georgian - had been driven from their homes in Abkhazia, in what could be considered to be a case of ethnic cleansing. She also noted that her Government was studying the possibility of increasing the representation of minorities in parliament and, while that issue had not yet been raised in parliament itself, the President of the Republic was in favour. A recommendation from the Committee in that regard would of course have a particularly important impact.

9. Legislation relating to the holding of demonstrations and the creation of associations was being duly applied. Demonstrations were frequent in Georgia and were often organized by political parties not represented in parliament. Regrettably, there were at times clashes between demonstrators and the security forces but, generally speaking, 95 per cent of demonstrations were perfectly peaceful. She noted that there had been cases where police officers had been found guilty of excessive use of force by the administrative tribunals.

10. Turning to the question of the status of the international instruments adopted by Georgia and its Constitution within the domestic legal system, she recalled that Georgia had adopted a large number of international human rights instruments in 1994, before the Constitution had been drafted. As a result, the provisions of those instruments had of course been taken into account in drafting the Constitution. Furthermore, in cases where the provisions of an international instrument adopted by Georgia were in conflict with the Constitution, article 102 of the Constitution provided for the possibility of a constitutional amendment to remedy that situation.

11. Freedom of speech was a fundamental right which was only restricted by the Constitution insofar as it was forbidden to express any opinions which might constitute an affront to human dignity.

12. Finally, she said that according to a 1998 census, there were 1,200 Roma living in the country, some 400 in Tbilisi and the others in Abkhazia. Although she had no information on the latter, those who lived in Tbilisi were no longer nomads and worked in the retail sector. They enjoyed the same rights as other Georgian citizens and their situation was not a source of concern.

13. Mr. NALBANDOV (Georgia) said that all duly ratified international legal instruments were directly applicable in Georgian domestic law. The International Convention on the Elimination of All Forms of Racial Discrimination had the status of a normative law and its provisions could therefore be invoked directly before the courts, although that had not occurred to date.

14. In response to a question from Mr. Fall, he said his Government had intended to introduce a law on the status of minorities but concerns had been raised with regard to the need for such a law. National minorities, for example, were not in favour because they felt that they were perfectly integrated into civil society and did not want to bring attention to themselves through a legal text. The parliamentary committee for civil integration was nevertheless still studying a series of draft laws which would deal with all minority-related issues. He acknowledged that there were no laws forbidding racist organizations or any provisions in the Criminal Code which punished racist propaganda, a situation which did seem to be in violation of the Convention. He noted, however, that to date there had been no complaints of violations of the rights of racial minorities or racial discrimination and no cases had been mentioned in the annual reports by the Ombudsman. In that context, he stressed that his Government's failure to make the declaration under article 14 of the Convention relating to recognition of the jurisdiction of the Committee to consider individual communications had probably been the result of an error of omission, since Georgia, which was a member of the Council of Europe, had recognized the competence of the European Court of Human Rights in that area.

15. In response to a question by Mr. Valencia Rodriguez, he said that the decision to ban a political party accused of making racist statements or inciting racial hatred fell within the jurisdiction of the Constitutional Court. There was no legal restriction on membership in non-political associations and the only restrictions which did exist had to do with forbidding Georgian citizens from forming political parties based on regional or territorial demands.

16. With regard to the possibility of being exempted from having to pay the costs of a criminal proceeding, he said that persons requiring assistance could make such a request but in practice were rarely successful because of the very large number of such requests. On the other hand, any one who could not afford the services of a lawyer of his choosing could receive assistance for that purpose upon request. With regard to civil proceedings for compensation, the law authorized any victim to initiate a parallel proceeding in conjunction with a criminal proceeding.

17. Turning to educational opportunities, he said that any resident of Georgia, whether a citizen or not, had access to education. Adults often had difficulties in the area of education and therefore non-governmental organizations (NGOs), as well as other, State-subsidized, associations, offered them special instruction. To date, no case of racial discrimination in the schools had been reported.

18. He acknowledged that Georgia had not yet made racist propaganda or incitement to racial hatred a criminal offence, but the parliamentary committee for civil integration, which had been in existence for only 18 months, had begun to review that issue. The Committee maintained close relations with NGOs working for minority rights and with the minorities themselves in order to better assess the problems faced by national minorities. Human rights education

programmes had also been introduced, in particular for civil servants, and those programmes should certainly be further developed in the future. The Ombudsman for human rights was also involved in promoting awareness and organized regular awareness campaigns on the issues of racism and xenophobia.

19. In response to questions from Mr. Thornberry on the availability of translators and interpreters to help members of minorities in their dealings with the administration, he said that those persons were often assisted by individuals who spoke Georgian better than they did. On the other hand, it was often difficult to communicate in writing with the State central authorities in any language other than the official language and, in such cases, the requesting party was always responsible for translating any correspondence.

20. In response to a question from Mr. Diaconu on the definition of substantial violations of human rights in the Georgian Criminal Code, he said that generally speaking, it was left to the court concerned to define what "substantial" meant, but recognized that the text should probably be amended.

21. Mr. KAVADZE (Georgia) recalled that a joint United Nations-OSCE Office had been opened in Abkhazia in 1995 to monitor the observance of human rights in the region. He recalled that as a result of the ethnic and political violence in Abkhazia in 1992 and 1993, over 200,000 ethnic Georgians had been expelled. The United Nations-OSCE Office had opened a branch in the western province of Abkhazia, but for security reasons its staff could not move about freely. The efforts of the international community had not managed to resolve the conflict and serious ethnically motivated human rights violations were still occurring. The Government was currently engaged in high-level negotiations to reach an agreement with the separatist organization responsible for the disturbances, and the issue of respect for human rights loomed large in the talks.

22. Mr. RECHETOV welcomed the quality and frankness of the delegation's replies and the detailed information it had supplied. He recalled that in 1996 the Committee had adopted its general recommendation XXI, in which it gave its interpretation of the right to self-determination, an issue of the highest importance for Georgia. In that recommendation, the Committee expressed the view that international law had not recognized a general right of peoples unilaterally to declare secession from a State.

23. Mr. ABOUL-NASR observed that the State party had an obligation to implement article 4 of the Convention by incorporating the necessary provisions in its Criminal Code. The State party was certainly free not to make a declaration under article 14 of the Convention, but he nevertheless strongly encouraged it to review its position on the matter. Also, he would like to know why Stalin, himself a Georgian, had had Georgians deported to Siberia in the 1940s.

24. Ms. BERIDZE (Georgia) said that Stalin had had certain views on Turkey at that period and that he had deported Georgians whom he suspected of being pro-Turkish.

25. Mr. FALL (Country Rapporteur) welcomed the detailed replies given by the delegation and the frank, constructive dialogue that had begun. He underscored the Committee's concern that the Government did not exercise control over all parts of the territory, especially in the

autonomous areas, which was an obstacle to the full implementation of the Convention. He expressed the hope that the State party would soon find a solution to the problem of refugees and displaced persons and he urged it to adopt legislation for the protection of minority rights.

26. He particularly welcomed the State party's expressed intention to bring its legislation into line with article 14 of the Convention. While noting the delegation's explanations concerning the declaration under article 14, he urged the State party to reconsider its position, especially since in other fields Georgia already followed a domestic procedure for the submission of communications and had already demonstrated its determination to institute a genuine democracy by ratifying the main international instruments. Lastly, he encouraged the State party to continue along the path it had taken and to submit its next report on time.

27. The CHAIRPERSON thanked the delegation for the fruitful dialogue it had begun with the Committee and said that the Committee had completed its consideration of the initial report of Georgia.

28. The delegation of Georgia withdrew.

Draft concluding observations of the Committee concerning the fifteenth and sixteenth periodic reports of Iceland (continued) (CERD/C/58/Misc.16/Rev.2, document distributed at the meeting in English only)

Paragraphs 1-11

29. Paragraphs 1-11 were adopted.

Paragraph 12

30. The CHAIRPERSON, summing up an exchange of views between the members of the Committee and Mr. Lechuga Hevia (Country Rapporteur), said he took it that the Committee decided to delete the reference to courts in the first sentence of paragraph 12, because complaints were submitted only to the police and not to the courts; and to tone down the wording by taking note of the small number, rather than the lack of, recorded complaints of racial discrimination.

31. Paragraph 12, as amended, was adopted.

Paragraph 13

32. The CHAIRPERSON said he took it that the Committee wished to delete the reference in the first sentence to the fact that several years of residence were a prerequisite for the granting of citizenship, because such a prerequisite was not unique to Iceland.

33. Paragraph 13, as amended, was adopted.

Paragraph 14

34. Mr. BOSSUYT proposed deleting the word "again" in the first sentence.

34 bis. Paragraph 14, as amended, was adopted.

Paragraph 15

35. Mr. ABOUL-NASR said that the paragraph was unclear and should be redrafted if it was retained.

36. After an exchange of views in which Mr. RECHETOV, Mr. LECHUGA HEVIA and Mr. FALL took part, the CHAIRPERSON suggested that the paragraph should be deleted.

37. Paragraph 15 was deleted.

Paragraph 16

38. Mr. DIACONU proposed deleting the final clause of the paragraph and concluding with the words "States parties". There was no reason to recommend that the Government of Iceland should submit its instrument of ratification because no such recommendation was made to other States parties.

39. After an exchange of views, the CHAIRPERSON said it appeared that the majority of the members of the Committee supported Mr. Diaconu's proposal.

40. Paragraph 16, as amended, was adopted.

Paragraph 17

41. Paragraph 17 was adopted.

Paragraph 18

42. Mr. BOSSUYT proposed that the date of 4 January 2002 should be replaced by 4 January 2004, in view of his proposal at an earlier meeting that the scheduled date for the submission of a subsequent periodic report that would otherwise come very soon after the consideration of the previous report should be extended by two years.

43. The CHAIRPERSON suggested that the date of 4 January 2002 should for the moment be bracketed and that the secretariat should subsequently change it accordingly if the Committee approved the procedure for submission of reports proposed by Mr. Bossuyt in document CERD/C/58/Misc.12/Rev.2.

44. Paragraph 18 was provisionally adopted, subject to the possible change of date.

45. The draft concluding observations of the Committee concerning the fifteenth and sixteenth periodic reports of Iceland as a whole, as amended and subject to agreed drafting changes, were adopted.

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 9, PARAGRAPH 1, OF THE CONVENTION (agenda item 7) (continued)

Proposal on reporting procedure (CERD/C/58/Misc.12/Rev.2, document distributed at the meeting in English only)

46. Mr. BOSSUYT read out a revised version of his proposal to allow the Committee, in cases where the period between the date of the consideration of the latest periodic report of a State party and the scheduled date for submission of its next periodic report was less than two years, to suggest in its concluding observations that the State party, if it so wished, could submit the latter report in conjunction with the periodic report to be submitted on the following date fixed in accordance with article 9.

47. Mr. PILLAI suggested making the text to be adopted by the Committee more explicit, by specifying why the new procedure was being applied. The Committee and the State party concerned should be able to decide together which period would be covered by the subsequent periodic report.

48. The CHAIRPERSON said that it was not appropriate to stipulate that the Committee and the State party would together determine the date of submission of a future periodic report, because such a decision should be made by the Committee alone.

49. Mr. ABLOUL-NASR questioned whether it was necessary to adopt a formal decision on the matter. Could the Committee not simply follow the procedure proposed by Mr. Bossuyt for a certain time and then assess how it had worked?

50. Mr. BOSSUYT agreed that his proposal could for the time being remain a guideline.

51. The CHAIRPERSON said he took it that the Committee approved Mr. Bossuyt's proposal, on the understanding that the proposed reporting procedure would be applied to all States and that, if it did not prove satisfactory after two or three years, it would be changed.

52. It was so decided.

53. Mr. BOSSUYT said that, in view of the decision just taken, paragraph 18 of the concluding observations concerning Iceland (CERD/C/58/Misc.16/Rev.2) should be amended by the secretariat to substitute the date of 4 January 2004 for 4 January 2002.

54. The CHAIRPERSON said he took it that the Committee approved the proposal.

55. It was so decided.

The meeting rose at 12.50 p.m.



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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-eighth session

SUMMARY RECORD OF THE 1455th MEETING

Held at the Palais Wilson, Geneva,
on Friday, 16 March 2001, at 3 p.m.

Chairman: Mr. SHERIFIS

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CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY
STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (continued)

Twelfth to fifteenth periodic reports of Greece

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GE.01-41034 (E)

The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 6) (continued)

Twelfth to fifteenth periodic reports of Greece (CERD/C/363/Add. 4)

1. At the invitation of the Chairman, Ms. Telalian, Mr. Kastanas, Mr. Giannoulas and Ms. Babassika (Greece) took places at the Committee table.
2. Ms. TELALIAN (Greece), apologizing for Greece's late submission of its fifteenth periodic report (CERD/C/363/Add.4), said that it had submitted a revised version of the report containing additional information on recent measures taken in the human rights field, but that, owing to time constraints, the document had not been translated into all working languages. Members could consult the revised report for further information on the situation of Roma and their integration in society, programmes adopted in the field of intercultural education and the new bill on migrant workers and their rights.
3. She then referred briefly to the human rights institutions cited in paragraph 9 of the report, and also drew attention to the establishment of the Interministerial Committee on International Humanitarian Law, which had later become the National Commission on the Implementation and Dissemination of International Humanitarian Law.
4. Domestic courts directly applied the provisions of international treaties to which Greece was a party and adopted the interpretation of international monitoring bodies. Special measures had recently been taken to ensure compliance with the judgements of the European Court of Human Rights, for example on the reopening of criminal proceedings after a Court judgement finding a violation of the right to a fair trial. Furthermore, the Supreme Administrative Court had accepted the need to adopt measures to attain effective gender equality. Affirmative action measures would soon acquire a constitutional dimension once the ongoing revision of the Constitution was completed. Greece also cooperated closely with, inter alia, the Council of Europe's European Commission against Racism and Intolerance (ECRI) and the Committee for the Prevention of Torture (CPT).
5. Turning to the question of aliens and migrant workers, she said that, traditionally, Greece had been a country of emigration, but over the past decade it had witnessed a mass influx of immigrants, particularly from neighbouring countries, as a result of the collapse of former communist regimes and ensuing ethnic conflicts. Today, it was estimated that immigrants amounted to 7 per cent of the total population, most of them having come from Albania illegally in search of better living conditions.
6. Following events in Albania in 1997, many criminal bands that had looted weapons from the Albanian army had been involved in arms trafficking and organized crime in Greece and other European countries. A number of border areas in Greece had been hard hit by such activities, leading to a sense of insecurity among local inhabitants and fuelling a negative stereotype about Albanians. As a result, there had been isolated xenophobic incidents targeting foreigners. But such reactions did not amount to racism, and there had certainly not been any

signs of racial hatred or prejudice or any acts of racist aggression committed against foreigners. No political party in Greece had ever adopted a racist slant or right-wing extremist slogans, since such an ideology held no appeal for the population. On the contrary, the Greeks were very alive to the issue of racism, since many compatriots had been immigrants in other countries.

7. However, Greece had failed to introduce a long-term immigration policy that established the rules for legal entry and residence and for social integration. There had been a correlation between the rise in crime by illegal immigrants and the lack of an appropriate social policy, many illegal immigrants having had no choice but to seek a livelihood in criminal activities. The 1991 legislation on aliens had not provided a solution to immigrant-related problems, because it had focused more on police controls and the prevention of immigration than on promoting social integration. The 1998 measures for the regularization of illegal immigrants had yielded some positive results. The number of crimes by foreigners had decreased and some 165,000 green cards had been issued. But the measures had been insufficient to deal with all the existing problems.

8. The new immigration bill currently under discussion in Parliament was therefore an important step forward, because it created the foundation for a new immigration policy based on the rule of law and respect for international human rights instruments. It provided for both centralized and decentralized public services for aliens. Immigrants' residence permits were no longer to be granted by the police, but by the local authorities. It safeguarded the rights of migrant workers and established conditions for their social integration, regulated issues of employment and social security, protected immigrant minors and ensured their access to education and social security services, regardless of whether they were legal or not, guaranteed the right to work and imposed fines on employers who employed illegal migrants, and, unlike earlier legislation, allowed foreigners to change employers without losing their residence or work permit. In addition, a regularization procedure was open to illegal migrants under certain conditions. Those who had been unable to regularize their status in 1998 had been given a second chance. Special provision had been made for family reunification. Promotion of forced prostitution and illicit trafficking in foreign women was also punishable. The bill before Parliament made cross-reference to Law 927/1979, which imposed criminal sanctions for racist and xenophobic acts. Racism was now a crime that could be prosecuted *ex officio*.

9. She then referred to the presidential decrees described in the report (para. 45) and to efforts made in the field of education, notably to promote intercultural schools (para. 48), of which there were now 21.

10. Turning to the question of minorities, she said that Greece was a country which respected cultural diversity. All persons living on Greek territory were free to manifest their own religion, preserve their own culture and speak their own language. Many groups spoke a language other than Greek but were fully integrated in Greek society. Similarly, all persons were free to identify themselves as having a different ethnic or national origin.

11. The only officially recognized minority in Greece was the Muslim minority of Western Thrace. It enjoyed *issopolitia* (equal status) and *issonomia* (equal enjoyment and protection of the law), and a whole range of measures were in place to promote its religious, cultural and linguistic identity. Recently, new textbooks had been introduced which for the first

time were based on the cultural background of the Muslim minority. In the previous three years, the number of Muslim pupils attending secondary school had increased by 300 per cent, which showed that the new measures had been effective. There were special quotas for the admission of 400 Muslim minority students to Greek universities allowing them to dispense with the national examination procedure required of other Greek students. Greek was taught as a second language to Muslim pupils to help them improve their academic performance and facilitate their enrolment in Greek universities. Details on minority education and schooling were contained in the revised report.

12. Referring to the issue of the appointment of the mufti, which had already been addressed in the report (paras. 30 to 34), she said that an application had been submitted to the European Court of Human Rights by one of the irregularly elected mufti, Mr. Agga, who, like Mr. Serif, had been convicted of pretence of authority (para. 34), Mr. Serif's conviction having already been overturned by the Court.

13. All Greek Governments had refused to refer to the whole Muslim minority as "Turkish" owing to the actual make-up of the minority and the conviction that the political designs behind that assertion were not conducive to the peaceful co-existence of the various groups. However, whereas in the past using the name "Turk" in titles of unions or organizations had posed difficulties, the Supreme Court had recently overruled a decision by the court of appeal, finding that such use was not illegal in itself unless the organization's activities were directed against the public order or national security and ordering the court of appeal to review the case.

14. Her Government was working to find solutions to the pressing needs of Roma and ensure their full integration into the social, economic and political life of the country. An Interministerial Committee had been set up in March 2000 to work towards those goals. Most Roma lived in camps and tents which did not meet decent standards. The Government's objective was to put up prefabricated homes or provide building plots with the necessary amenities, as well as granting construction loans. The success of those initiatives depended on the cooperation of the municipal authorities, who in many cases resisted their implementation.

15. A major plan of action had been introduced providing for special programmes in the areas of housing, education, health care, vocational training, employment, cultural activities and sports, with substantial government funding (3.5 billion drachmas). The aim was initially to cover the needs of 25,000 Roma and ultimately those of the entire Roma community. As of November 2000, 822 homes had been made available to Roma, and construction of another 1,000 had been approved. Some 5,000 Roma had already been settled in organized camps in a number of regions. In other regions, implementation of those programmes was under way or nearing completion. She referred the Committee to details of those programmes given in the revised report and also to the "education of Roma children" programme discussed in the periodic report (paras. 40-43). Those efforts had raised educational standards among Roma children and increased the number of those reaching secondary school. The drop-out rate in 2000 had declined from 75 per cent to only 25 per cent.

16. Police personnel and other law enforcement officials were being given training aimed at heightening cultural awareness, fighting prejudices and providing instruction in the legal aspects of racial discrimination, and covering the issues described in paragraphs 50 to 54 of the periodic

report. The head of the Greek police services had recently registered a number of human rights violations committed by police officers which would be the subject of special investigations. An educational programme would be set up to highlight the findings. As to remedies available to the victims of racial discrimination committed by the police, Presidential Decree No. 22 of 1996 provided for severe punishment of police officers for physical or psychological abuse or violence or any other form of degrading treatment and also stipulated that the guilty parties were to be removed from the police service.

17. Clearly, conditions of detention for foreigners awaiting expulsion were not entirely satisfactory, but a number of measures had already been taken to improve the situation. Several detention facilities had been opened in 2000. Efforts were being made to meet basic health and hygienic requirements. The immigration bill provided for the setting up of special detention centres for foreigners awaiting deportation. To avoid the detention of aliens awaiting expulsion, the authorities granted permission for temporary stay, on which more details were given in the revised report.

18. On the subject of the media, the Greek authorities were working to strike a balance between the protection of freedom of expression and the need to fight all forms of racist and xenophobic speech. Broadcasting programmes and advertisements that incited hatred on grounds of race, religion, nationality or gender was prohibited by law. The National Radio and Television Council had issued relevant regulations and recommendations. Similar prohibitions were also included in the codes of conduct issued by professional associations of journalists and newspaper owners. Media diversity was promoted by public radio, which broadcast 30-minute news bulletins daily in 12 languages, including Albanian, Russian, Turkish, Polish and Romanian for immigrants residing in Greece.

19. In closing, she said that the Greek Government would do everything in its power to eradicate the causes of racism and xenophobia. Improving the economic situation of certain groups and raising public awareness of the issues were the best way of tackling those problems. The Committee's recommendations would serve as useful tools for Greece's future legislation and policy.

20. The CHAIRMAN, responding to a question by Mr. ABOUL-NASR, pointed out that the revised updating report of the State party referred to in the introduction had not been received in time for translation into the Committee's working languages. It had not therefore been issued as an official document for the session and some members of the Committee were not familiar with its content.

21. Ms. TELALIAN (Greece) said that it would be extremely useful if the Committee could take the recent measures described in the revised report into consideration in assessing the implementation of the Convention in Greece.

22. Mr. RECHETOV (Country Rapporteur) thanked the Greek authorities for submitting a report (CERD/C/363/Add.4) that adopted a self-critical approach, was replete with useful information and took into account the Committee's concluding observations on the previous periodic report (A/47/18, paras. 75-92). The update, in English only, was similarly structured

and contained, inter alia, information about special programmes for the Roma population and measures on behalf of aliens and migrant workers. He had also noted with interest, from the delegation's introductory statement, that a number of places were reserved for national minorities in Greek universities.

23. Greece had ratified all major international instruments for the prevention of racial discrimination, including the Council of Europe's Framework Convention for the Protection of National Minorities, and intended shortly to make the declaration under article 14 of the Convention that would allow individuals and groups in Greece to submit petitions to the Committee. According to paragraph 7 of the report, international human rights treaties were directly applicable by the Greek courts and due attention was paid by the courts, when interpreting such instruments, to the case law of international judicial or quasi-judicial bodies. Many references were made throughout the report to decisions of the European Court of Human Rights concerning Greece. In cases where the Court had ruled against Greece, requiring, for example, the payment of compensation to the victims of human rights violations, the authorities had gone even further and reversed decisions which, in the Court's opinion, had been unjust. That kind of response to criticism by an international judicial body was highly commendable.

24. Paragraph 8 of the report stated that the provisions of the International Covenant on Civil and Political Rights had been made widely known to lawyers and judges. Were they also familiar with the provisions of the Convention?

25. He was impressed by the fact that, according to paragraph 9, the mass media in Greece were required to respect the principle of non-discrimination and to comply with legislative and other provisions prohibiting racism and xenophobia, and that, under a draft code of ethics, journalists would not be permitted to identify accused or convicted persons solely in terms of their ethnic origin or religious beliefs, a pernicious form of stereotyping. He noted from paragraph 11 of the report that Greece was aware that ethnic origin could exacerbate the unequal status of women and that appropriate affirmative action was necessary in that area.

26. Greece had adopted the correct approach to the Muslim minority in Thrace by seeking to integrate its members into Greek society so that they were on an equal footing with the majority Christian population rather than aiming at forcible assimilation. The Muslim minority apparently consisted of three ethnic groups: persons of Turkish origin, indigenous Pomaks who spoke a Slavic dialect and Roma. Observing that self-identification was now universally recognized as the basis for assignment to an ethnic or racial group, he noted the statement in paragraph 16 of the report that objective criteria should also be taken into account, and asked the delegation to explain what those criteria were. He understood that the Greek authorities were opposed to attempts, allegedly under foreign pressure, to have all Muslims in Thrace classified as being of Turkish origin. If such pressure existed, he acknowledged that it could have serious political consequences.

27. He noted that the threshold for admission of political parties to Parliament, at 3 per cent of the countrywide vote, was comparatively low and that a considerable number of Muslims had been elected to the office of mayor or councillor at the regional level.

28. With regard to education for minorities, paragraph 23 of the report admitted that the secondary schools for the Muslim minority in the prefectures of Xanthi and Rhodopi were not large enough to admit all applicants, a problem mentioned by a number of non-governmental organizations (NGOs). He noted with interest that the Koran was taught in Arabic in schools attended by the Pomaks in Xanthi. According to paragraph 27, facilities were provided for the study of Greek as a second language. Was he correct in assuming that Turkish was thus taught as the first language in some minority schools? If so, it was a very liberal provision without parallel in most other European countries.

29. He understood that the religious privileges of the Muslim minority were largely governed by the Lausanne Treaty of 1923. Again, he wondered whether there was any other European country in which Islamic spiritual leaders exercised judicial functions in respect of family and inheritance matters, provided that their decisions were not contrary to the Constitution. However, a number of NGOs had criticized the fact that muftis were not elected but appointed by presidential decree on the basis of a recommendation by the Minister of Education and Religion. The European Court of Human Rights had ruled against Greece in a case brought by an elected mufti who had been imprisoned for the crime of "pretence of authority". Clearly, such matters should be resolved by agreement between the authorities and the representatives of the religious community concerned in order to prevent the legal guarantees established by the State entailing unwarranted interference in the affairs of a section of the population.

30. Both NGOs and European regional organizations recognized that Greece had put a great deal of effort into improving the lot of the Roma community. But the report itself admitted that the situation was still unsatisfactory. The Roma were still the victims of social exclusion and negative stereotyping despite the authorities' attempts to change social attitudes. He was puzzled by the reference in paragraph 37 of the report to the "re-establishment" of the Roma people. What exactly did the term mean? The NGO material provided to the Committee drew attention to cases of eviction of Roma and physical assaults on members of the community, primarily at the local level.

31. He welcomed the delegation's reference to action being taken against law enforcement officers who violated the rights of members of ethnic minorities. Paragraphs 58 and 59 of the report also described provisions for criminal and disciplinary action against officers guilty of improper or unlawful behaviour. But paragraph 57 indicated that no complaints had yet been filed concerning misbehaviour based on racial prejudice on the part of police personnel. The Committee urged the State party to keep it informed of any developments in that regard.

32. With regard to freedom of association, he noted with interest that the Greek courts had refused to apply the provision of the Civil Code that made it difficult for aliens to manage associations on the grounds that it was contrary to the Constitution and the European Convention on Human Rights.

33. Referring to paragraph 63 of the report, he noted that authorization to open places of worship depended on production of a certificate guaranteeing that certain safety standards were met. It was alleged that the local authorities took advantage of those regulations in some cases to

withhold authorization from certain applicants. He welcomed the fact that the Greek authorities were cooperating with the European Court of Human Rights in preventing restrictive practices, also in respect of prosecutions under Law 1363/1998 concerning proselytism (paragraph 65 of the report).

34. In response to criticism by NGOs and European organizations, the Greek authorities had repealed article 19 of the Citizenship Code concerning the withdrawal of citizenship from persons of non-Greek ethnic origin who left the country without plans to return. He asked whether the authorities had considered making amends to victims of the implementation of article 19 in the past by restoring their citizenship. He noted that the Greek authorities had given the assurance that article 20 of the Citizenship Code, which provided for the withdrawal of citizenship from persons who committed acts contrary to the interests of Greece while living abroad, would in future be applied only in very exceptional cases.

35. He drew attention to the 1999 report of the Council of Europe's European Commission against Racism and Intolerance (ECRI) based on material submitted by Greek NGOs. Covering issues such as citizenship, immigration, the opening of places of worship, freedom of association, Roma rights and anti-Albanian sentiment, it combined criticism with praise for the genuine change in Greek society brought about by the action of the Greek authorities.

36. Ms. McDOUGALL asked why the State party officially recognized only one minority - the Muslims of Thrace - and on what criteria. She sought further details on the petition submitted on behalf of Mr. Agga to the European Court of Human Rights. More information would have been appreciated in the report on the status of women, in accordance with the Committee's General Recommendation XXV. To what extent did Greece's fairly progressive legislation to protect women's rights apply to minority groups and benefit migrant workers?

37. She sought clarification regarding the reported practice of not issuing work permits to migrants from Africa, Asia and Latin America on the basis of an administrative decision. What was the rationale behind such a decision? Had the situation now changed, and if not, why not?

38. According to paragraph 45 (b) of the report (CERD/C/363/Add.4), Presidential Decrees 358 and 359/1997 established full equality of rights in employment between Greek citizens and foreign nationals legally residing in Greece; however, NGOs reported many complaints from legal immigrants of discrimination with respect to employment. What steps was the Government taking to monitor those sectors of the labour market where immigrants were usually employed? She was particularly concerned about domestic service, a sector not usually subject to inspection, where even legally resident foreign employees had difficulty in lodging complaints about their working conditions for fear of verbal and physical abuse by their employers, or worse still the withholding of their identity documents, without which they could be summarily deported when approaching the authorities. Was there a viable complaints procedure available to such immigrants, affording them the necessary protection in the event of ill-treatment by employers or professional misconduct by public officials? She requested information on the impact of the 1996 disciplinary rules providing for sanctions against police officers in the event of official misconduct.

39. She noted that some important provisions were missing from the new immigration bill. Although they might be covered by other legislation, the fact remained that the bill would not provide for comprehensive anti-discrimination legislation. According to paragraph 56, the bill would enable prosecuting authorities to press charges *ex officio* in the case of racist and discriminatory acts. The delegation had mentioned that cross-references were made in the bill to Law 927/1979. Perhaps more explicit provisions should be included in the new legislation.

40. Mr. VALENCIA RODRIGUEZ welcomed the references in the report to the Committee's concluding observations on the previous periodic report. The ratification of various international human rights instruments showed the State party's commitment to promoting respect for such rights. He hoped that the Government would decide to make the declaration under article 14 of the Convention shortly.

41. The fact that the Convention was directly applicable by the courts was an important guarantee. He recommended that the instrument and the Committee's general recommendations should be publicized in legal circles. Applauding the establishment of various independent human rights bodies, he asked whether the National Radio and Television Council had dealt with any cases of racial or ethnic discrimination. The Committee should be kept informed of any action taken by the human rights bodies whose work was relevant to the Convention. The 1998 Council of State decision mentioned in paragraphs 10 and 11 of the report was indeed significant, since it provided jurisprudence that was also applicable to the State party's anti-discrimination policy.

42. With respect to the Muslim minority of Thrace, it seemed that Greece had taken the necessary steps, given the existing legal-political framework, to honour its international obligations and avoid racial and ethnic discrimination against the community. Progress made in the sphere of political representation was welcome. It was to be hoped that the remaining problems with regard to education would be satisfactorily resolved. The possibility of increasing the number of schools in the towns of Xanthi and Komotini might be considered as a way of coping with the growing demand for school admissions. Such solutions were viable on account of the good relations that prevailed between Turkey and Greece.

43. He was also satisfied with progress made with respect to freedom of religion. There was no doubt that it was difficult to reconcile Islamic law with Greek public order. Current efforts should be pursued with the aim of ensuring that all inhabitants of Greece abided by the same legislation, in order to avoid possible legal controversy in future.

44. Although the measures adopted with respect to the Roma people had proved relatively successful, particularly in the field of education, their situation was hardly satisfactory and called for further policy decisions and resources so as to improve it over time.

45. Referring to paragraph 45 of the report, he stressed the importance of the current procedures for the legalization of migrant workers and expressed satisfaction at the application of the principle of full equality of employment rights. The ultimate aim of measures targeted at migrant workers, refugees and asylum-seekers should be their full integration into society. In that connection, he sought up-to-date information on the progress of the new immigration bill.

Welcoming the action taken in the light of the Committee's General Recommendation XIII, he recommended that specific emphasis should be laid on the broader dissemination of the Convention in the training of border guards and immigration officers.

46. According to the information provided in paragraph 55 of the report, Greece by and large complied with its obligations under article 4 of the Convention. He noted in particular that Law 927/1979 had never been applied. In view of the repeated refusal of the Greek courts to apply article 107 of the Introductory Law to the Civil Code, described in paragraph 60 of the report, it would perhaps be preferable to amend the article in question. Also, were the results of the decision to repeal article 19 of the 1955 Citizenship Code satisfactory? For instance, had those persons who had lost Greek citizenship in the past been able to reacquire it?

47. With respect to article 7 of the Convention, he suggested that educational programmes should include information on the Convention. In conclusion, he recommended that the report and the Committee's concluding observations thereon should be widely publicized, particularly among the minority groups, which could provide valuable input for further government action.

48. Mr. ABOUL-NASR said that, although on the whole he was satisfied with the State party's report, he had one major concern - the confusion between the terms "Muslim" and "Turkish". The identification of the Muslims as "Turkish" was not a problem confined to Greece and the Balkan region, where, for historical reasons, it had particularly pejorative connotations, but had also been common in the former Soviet Union and Eastern Europe as a whole. A further point required clarification: Islam was not a race but a religion, whose followers could be of many different races. He appealed to members of the delegation and the Committee to bear those two factors in mind.

49. The report referred to the Muslim minority in Thrace as consisting of three main ethnic groups: people of Turkish origin, Pomaks and Roma. It was certainly news to him that the Roma people were Muslims! No mention was made, however, of the members of another ethnic group found in north-western Greece who were also Muslim, namely the Albanians. Were they not considered a minority? Moreover, it was far from true that there were no problems between the Greeks and the Albanians. Until very recently there had been a de facto state of war between the Greek and Albanian communities. Lastly, the report referred to some members of the Muslim minority contesting the appointment of the muftis by the Government. Why were they not allowed to elect their own muftis?

50. Mr. THORNBERRY, referring to the revised report, asked on what basis the statistical data relating to the Muslim minority in Greece had been compiled, it being his understanding that in the recent census ethnic and linguistic data had not been collected. He nonetheless welcomed the careful choice of words in references to the ethnic minorities, for instance "of Turkish origin". In that connection he asked what impact the recent Supreme Court decision that the use of the term "Turkish" as a denomination of a union or association was not illegal per se was likely to have on the Government's approach to terminology. With reference to the explanatory note to article 3 of the Council of Europe Framework Convention for the Protection

of National Minorities cited in the report, what did the State party understand by "objective criteria"? It was important for States parties to define concepts clearly in order to comply fully with the requirements of the international instrument in question.

51. He observed that, in response to ECRI's second report on Greece (CRI (2000) 32), the Government had stated that it held no ideological position on the nature of Greek society. In the light of the numerous examples of cultural diversity given in the report, he sought clarification regarding its further statement that they [the policies of the Greek Government] did not imply adherence by the Government to the notion of a multicultural character of Greek society. What psychological barrier had yet to be broken down before the Government would recognize the multicultural nature of Greek society?

52. In the light of the statement in the ECRI report that the shortcomings of the Greek education system warranted urgent attention and would have the greatest long-term impact on the viability of the Muslim community, were the educational measures outlined in the report considered sufficient? A number of sources, including ECRI, had reported a considerable degree of hostility towards foreigners in Greece. In connection with article 7 of the Convention, what steps were being taken to educate the general public? There was perhaps also a need to place greater emphasis on tolerance in education programmes for minority groups, aliens and repatriated Greeks.

53. Mr. DIACONU said that the dialogue under way testified to a more open attitude than in the past and reflected the Government's efforts to comply with its obligations under the Convention and meet the Committee's concerns. The report contained ample information and references to case law and in general there was a more positive approach to the question of minorities and awareness of the dangers of discrimination, as borne out by the number of new laws passed. Two examples of anti-discrimination measures worthy of emulation in other European States were the National Radio and Television Council Regulation 3/1991 and the Code of Journalistic Deontology. Other positive aspects included the institution of the Office of the Ombudsman and the establishment of a National Commission on Human Rights. With regard to ethnic minorities, he noted that the report referred to the teaching of religion in Turkish and of the Koran in Arabic in Greek-language secondary schools. Was there no provision for teaching in the Slavic dialect used by the Pomaks?

54. He sought clarification of the disparity between the official figure of 15,000 Roma in Greece and that of approximately 200,000 furnished by the Hellenic League of Human Rights. While it was encouraging that the Government was implementing a number of programmes in favour of the Roma, there had been reports of forced evictions. He requested details of government plans to ensure that the rights of that minority were protected. It was also satisfying to learn that Pomaks and Turks were elected to Parliament on the same ticket as Greeks. Other European countries would do well to emulate the positive measures taken to protect vulnerable groups.

55. Turning to education and noting that special classes were available to Roma children, he asked whether those classes were taught separately or with Turks and Greeks, and whether the Roma language was the language of instruction. He also wished to know how many Albanians

lived in Greece and what status they enjoyed. He would like the delegation to provide more information on the statement contained in the fifteenth periodic report (para. 48) that Greek schools had a high proportion of Albanian-speaking pupils, who presumably lived in concentrated groups. Certain NGOs had claimed that Albanians were often forcibly evicted. It was commendable that education was compulsory for all children for nine years, even if some could not study their native language.

56. Mr. PILLAI said that the functions of the Ombudsman's Office, set out in the report, and the fact that it had settled a significant percentage of the increasing number of complaints filed by vulnerable groups showed that the Ombudsman was really addressing racial discrimination issues. Since that Office had extrajudicial authority for settling disputes with the Administration, could it, if it failed to find a solution, seek redress in a court of law on behalf of the complainants? He congratulated the Greek authorities on the establishment of the most diverse and pluralistic National Commission on Human Rights (NCHR) of any country that had appeared before the Committee. He wished to know how the NCHR exercised the various powers granted to it to monitor compliance of the Greek legal order with international human rights standards, referred to in the updating report.

57. Mr. TANG Chengyuan commended the State party on its clear explanations of its past and prospective measures for implementing the Convention. The growing number of illegal immigrants among the 7 per cent of the population consisting of migrant workers placed a high social and financial burden on the Government, which was called upon to solve the problem in accordance with the pertinent international instruments. He was perturbed by a Human Rights Watch report that one prison in Athens exclusively housed illegal immigrants from 34 countries, who were forced to live in abominable conditions, were poorly fed and were victims of police brutality. Commenting that there were minimum international standards even for prisoners of war, he urged the State party to take steps to ensure that reasonable standards were maintained. However, he was pleased to learn that the prison authorities were open to requests for visits and endeavoured to solve any problems brought to their attention.

58. While noting that Parliament was currently studying a new draft immigration bill, the Committee had been informed that the situation of immigrants was far worse than stated in the periodic report. That might well impair Greece's image, and the Government would be obliged to assume the responsibilities that flowed from its neglect of that group. He urged the authorities to undertake both the legislative work and the training of law enforcement and other government officials needed to ensure proper treatment of illegal immigrants.

59. Mr. YUTZIS regretted the late submission of the updated report, which precluded a meaningful dialogue. He asked the delegation to explain the status of NGOs in Greece and whether they were called upon to contribute to the country's periodic reports to the treaty bodies. Multiculturalism was a contentious issue, acceptance of which was often seen as a threat to a country's own culture; that was particularly true of a country like Greece, which had traditions rooted in its own racial and religious history but in a short space of time had become a country of immigration. However, the increasing flows worldwide of immigrants seeking work or simply a better life were a present day reality; the point was that they could lead to xenophobic or racist acts, and it was for the State party to endeavour to discover why those problems arose.

60. He was puzzled as to why both the country's reports referred to all settlements of Roma as temporary and wished to know whether it was the Roma themselves or the authorities who decided on their permanent or temporary nature. Did the Roma, for instance, wish to leave the settlement in the municipality of Aspropyrgos referred to in the report (CERD/C/363/Add.4, para. 36 (b))? Various sources maintained that the removals were forcible and had been done with particular callousness in Aspropyrgos.

61. He requested statistics on the programmes to promote minority languages, as well as objective information on the freedom of individuals from a minority group to choose the society to which they wished to belong. Greece, with its long religious tradition, had a special form of worship embedded in Eastern thinking and spirituality. Multiculturalism did not entail a difference in colour or language alone, but also had religious connotations.

62. Mr. SHAHI also stressed the need for reports to reach the Committee in sufficient time to permit careful study. Greece's report contained many positive features and he hoped that the State party would address the pending problematic issues. Sadly, Greece, a country with a glorious tradition and the mother of many civilizations, was prey to increasing xenophobia, with some 47 per cent of its population subscribing to racist views, a state of affairs which required the authorities to be extremely vigilant.

63. The information provided attested to the country's political will to combat racial discrimination but, there were alarming reports of police brutality, poor detention conditions and ill-treatment of prospective deportees - in which Greece was indeed not alone. He looked with favour on the fact that some Roma wished to identify with the Turkish minority, while others preferred to identify with the Greek majority, choosing the group where they would feel more accepted. He was gratified to learn from one NGO that the Greek majority was accommodating toward the Roma. While the State party did fulfil its international obligations regarding the treatment meted out to the population of Western Thrace, other minorities should be treated likewise. He shared Mr. Aboul-Nasr's dismay at the habit - encouraged by the media - of identifying people by their religion rather than their nationality.

64. Ms. TELALIAN (Greece) said that the authorities had used the language found in both the Lausanne Treaty and the 1913 Treaty of Athens, which referred to the "Muslim minority".

The meeting rose at 5.55 p.m.